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Andaman And



निकोबार राजपत्र
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ANDAMAN AND NICOBAR ADMINISTRATION

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NOTIFICATION

Port Blair, dated the 08th September, 2014.

No. 126/2014/F. No. 34-770/2014-Rev.— The Administrator, Andaman & Nicobar Islands proposes to repeal/amend the law relating to land revenue, powers of revenue officers, rights and liabilities of holders of land, land tenures and other matters relating to land, in the Union Territory of the Andaman and Nicobar Islands Land Reform Regulation. The draft “The Andaman & Nicobar Islands Land Regulation, 2014” is hereby published for the information of all concerned likely to be affected thereby.

Notice is hereby given that the said draft will be taken into consideration after 30 (Thirty) days from the date of publication. Any objections or suggestions which may be received from any person/authorities with respect thereto before the date specified above, will be considered by the Administrator. Objections and suggestions may be addressed to the Principal Secretary (Rev.), Andaman & Nicobar Administration, Port Blair.

**Draft The Andaman And Nicobar Islands
Land Regulation, 2014**

NO. OF

**Promulgated by the President in the Sixty fifth Year of the
Republic of India**

A Regulation to consolidate and amend the law relating to land revenue, powers of revenue officers, rights and liabilities of holders of land, land tenures and other matters relating to land, in the Union Territory of the Andaman and Nicobar Islands.

In the exercise of the powers conferred by Article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him-

CHAPTER I

PRELIMINARY

- (1) This Regulation may be called the Andaman and Nicobar Islands Land Regulation, 2014.
- (2) It extends to the whole of the Union Territory of the Andaman and Nicobar Islands but nothing in this Regulation shall apply to such areas therein as may for time to time be constituted as Government forests.
- (3) It shall come into force on such date as the Administrator may, by notification, appoint.
2. In this Regulation, unless the context otherwise requires,—
 - (1) “abadi” means the area reserved from time to time in a village in a non-urban area for the residence of the inhabitants thereof or for purposes ancillary thereto;

(2) “agriculture” includes—

- (i) the raising of annual or periodical crops including betel leaves (pan) and garden produce,
- (ii) horticulture,
- (iii) raising of fodder or thatching grass,
- (iv) dairy farming,
- (v) poultry farming,
- (vi) stock breeding and grazing , and
- (vii) pisciculture;

(3) “agricultural year” means the year commencing on the first day of May or such other date as the Administrator may by notification, appoint;

(4) “cess” means whatever is payable in money by a person, resident or holding land in a village, to the Government for services rendered to the community;

(5) “Administrator” means the Administrator of the Union Territory/of the Andaman and Nicobar Islands;

(6) “commercial trees” means any of the trees specified in the Schedule;

(7) “Government” means the Central Government;

(8) “Government forest” means a forest constituted as a reserved forest or protected forest in accordance with the provisions of the Indian Forest Act, 1927;

(9) “grant” means a grant made under clause (i) of section 146;

(10) “holding” means a parcel of land separately assessed to Land Revenue;

(11) “improvement” in relation to a holding means any work which materially adds to the value of the holding and which is suitable thereto and consistent with the purpose for which it is held and includes—

- (i) the construction of tanks, wells, water channels, embankments and other works for the storage, supply or distribution of water for agricultural purposes,
- (ii) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage by water,
- (iii) the planting of trees and the reclaiming, clearing, enclosing, leveling or terracing, of land used for agricultural purposes,
- (iv) the erection of buildings on or in the vicinity of the holding elsewhere than abadi or urban area, required for the convenient or profitable use or occupation of the holding, and
- (v) the renewal or construction of any of the foregoing works, or alterations therein or additions thereto,
but does not include the construction of—
 - (a) temporary wells and such water channels, embankments, leveling enclosures or other works or pretty alterations in or repairs to such works , as are commonly made by cultivators of the locality in the ordinary course of agriculture, or
 - (b) any work which substantially diminishes the value of any land wherever situated, in the occupation of a tenant.

Explanation— A work which benefits several holdings shall be deemed to be an improvement with respect to each of such holdings;

(12) “land” means a portion of the earth’s surface whether or not under water and includes all things attached to, or permanently fastened to any thing attached to, such portion;

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| | <p>(13) “land records” means the records maintained under this Regulation;</p> <p>(14) “land revenue” means any consideration in money payable by a tenant of the Government on account of the use or occupation of the land or an account of any right in land held by him;</p> <p>(15) “legal practitioner” means any person entitled to practise in any of the courts in the Union Territory of the Andaman and Nicobar Islands under any law for the time being in force;</p> <p>(16) “notification” means a notification published in the Official Gazette;</p> <p>(17) “Official Gazette” means the Andaman and Nicobar Gazette;</p> <p>(18) “plot number” means of portion of land in an urban area formed into or recognized as, a plot number under section 68, in respect of which the area and the land revenue payable are separately entered in the prescribed records under an indicative number and includes any portion of land entered in any records before the commencement of this Regulation under an indicative number known as kharsa or survey number;</p> <p>(19) “prescribed” means prescribed by rules made under this Regulation;</p> <p>(20) “recognized agent” in relation to a party to a proceeding under this Regulation means,—</p> <p style="padding-left: 40px;">(i) a person authorized under a power of attorney by that party to make appearance and applications and to do other acts, on his behalf in such proceeding; or</p> <p style="padding-left: 40px;">(ii) a person authorized in writing by that party to make appearance on his behalf in such proceeding;</p> <p>(21) “rent” means whatever is lawfully payable, in money or in kind, or partly in money and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;</p> <p>(22) “revenue officer” in any provision of this Regulation means such revenue officer as the Administrator may, by notification, direct to discharge the functions of a revenue officer under that provision;</p> <p>(23) “revenue year” means the year commencing on such date as the Administrator may, in the case of any specified area, by notification appoint;</p> <p>(24) “sub-tenant” means a person who cultivates or holds the land of a tenant under an agreement, express or implied, on condition of paying rent therefor;</p> <p>(25) “survey number” means a portion of land in any non-urban area formed into, or recognized as, survey number at the revenue survey immediately proceeding the commencement of this Regulation, or subsequently formed into or recognized as such by the Deputy Commissioner in respect of which the area and the land revenue payable are separately entered under an indicative number in the land records; and includes, any portion of land entered in the land records under an indicative number known as kharsa number; it will also include all plot numbers recorded prior to commencement of this regulation.</p> <p>(26) “tenant” means the person by whom land revenue is or, but for a contract express or implied, would be payable but does not include a sub-tenant;</p> <p>(27) “urban area” means the area for the time being included within the limits of any municipality constituted under any law for the time being in force relating to municipalities or any village or group of villages which may be specified by the Administrator as an urban area and the expression “non-urban area” shall be constructed according;</p> <p>(28) “village” means any tract of land which immediately before the commencement of this Regulation was recognized as, or declared to be, a village under the provisions of any law for the time being in force or which may, after such commencement, be recognized as a village at any survey or which the Administrator may, by notification, declare to be a village.</p> |
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Revenue Officers	<p style="text-align: center;">CHAPTER II</p> <p style="text-align: center;">REVENUE OFFICERS, THEIR CLASSES AND POWERS</p> <p>3. There shall be the following classes of Revenue Officers, namely:—</p> <ol style="list-style-type: none"> (a) Deputy Commissioner, (b) Survey Officer, (c) Assistant Commissioner, (d) Assistant Settlement Officer, (e) Tehsildar, (f) Land Records Officer, (g) Deputy Teshildar, (h) Revenue Inspector, (i) Patwari, and (j) such other village officers and servants as may be specified by rules made under this Regulation. <p>4. (1) All Revenue Officers shall be subordinate to the Administrator and subject to the provisions of sub-section (2), all Revenue Officers in the district shall also be subordinate to the Deputy Commissioner.</p> <p>(2) Unless the Deputy Commissioner otherwise directs, every Revenue Officer in a sub-division shall be subordinate to the Sub-Divisional Officer and a Deputy Teshildar in a tehsil shall be subordinate to the Teshildar.</p> <p>5. The Administrator may, with the previous approval of the Government, alter the limits of any district or tehsil or create new or abolish existing districts or tehsil, or divide any district into sub-divisions or alter the limits of, or abolish, any sub-division.</p> <p>6. The Administrator may appoint for each district a Deputy Commissioner who shall exercise the powers and perform the duties conferred or imposed on a Deputy Commissioner by or under this Regulation.</p> <p>7. The Administrator may appoint for each district as many persons as he thinks necessary to be Assistant Commissioner who shall exercise such powers and perform such duties as the Administrator may, by notification, direct.</p> <p>8. The Administrator may appoint in each tehsil a Tehsildar and one or more Deputy Tehsildars who shall exercise the powers and perform the duties conferred or imposed on them by or under this Regulation :</p> <p style="padding-left: 40px;">Provided further that the Administrator may define the jurisdiction of the Deputy Tehsildar(s) within a Tehsil.</p> <p>9. (1) The Administrator may place any Assistant Commissioner to be in-charge of one or more sub-divisions of a district.</p> <p>(2) Such Assistant Commissioner shall be called a Sub-Divisional Officer and shall exercise such powers and perform such duties of a Deputy Commissioner as the Administrator may, by notification, direct.</p> <p>10. The Administrator may, by notification, confer on any person the powers conferred by or under this Regulation on any Revenue Officer.</p> <p>11. If any Revenue Officer, who has been invested with any powers under this Regulation in any tehsil or district is transferred to an equal or higher office of the same nature in any other tehsil or district, shall, unless the Administrator otherwise directs, exercise the same powers under this Regulation in such other tehsil or district.</p>	

<p style="text-align: center;">CHAPTER III</p> <p style="text-align: center;">PROCEDURE OF REVENUE OFFICERS AND REVENUE COURTS</p>	
Power to transfer cases.	<p>12. Except for reasons to be recorded in writing, no Revenue Officer shall enquire into, or hear, any case arising under this Regulation at any place outside the local limits of his jurisdiction.</p> <p>13. All Revenue Officer and all persons acting under their orders may enter upon and survey any land and demarcate boundaries and do all other acts connected with their duties under this Regulation and in so doing, shall cause no more damage than the circumstances of the case may require :</p> <p style="padding-left: 40px;">Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier at least twenty-four hours notice and in making such entry due regard shall be paid to the special and religious sentiments of the occupier.</p> <p>14. Whenever it appears to the Administrator that an order under this section is expedient for the ends of justice, he may direct that any particular case be transferred from one Revenue Officer to another Revenue Officer of an equal or superior rank in the same district or any other district.</p> <p>15. (1) A Deputy Commissioner, a Sub-Divisional Officer or a Tehsildar may make over any case or class of cases arising under this Regulation for decision from his file to any Revenue Officer sub-ordinate to him and competent to decide such case or class of cases, or may withdraw any case or class of cases from any such Revenue Officer and may deal with such case or class of cases himself or refer the same for disposal to any other Revenue Officer subordinate to him and competent to decide such case or class of cases.</p>
	<p>(2) A Deputy Commissioner, a Sub-Divisional Officer, or a Tehsildar may make over for inquiry and report any case or class of cases arising under this Regulation from his own file to any Revenue Officer subordinate to him.</p> <p>16. Every Revenue Officer, while exercising any power under this Regulation to enquire into or decide any question arising for determination between the Government and any person or between parties to any proceedings, shall be a revenue court.</p>
Power to transfer cases to and from subordinates.	<p>17. Nothing in this Regulation shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the court.</p> <p>18. (1) Subject to the provisions of section 132 and 133 of the Code of Civil Procedure, 1908 and the rules made under this Regulation every Revenue Officer acting as a revenue court shall have power to take evidence, to summons any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness or to produce any document for the purpose of any inquiry or case arising under this Regulation:</p> <p style="padding-left: 40px;">Provided that no person shall be ordered to attend in person unless he resides in the Union Territory of the Andaman and Nicobar Islands.</p> <p>(2) Any person present may be required by any such Revenue Officer to give evidence or to produce any document then and there in his possessions of power.</p> <p>(3) Every such Revenue Officer shall have power to issue a commission to examine any person who is exempted from attending court under any law for the time being in force or who cannot be ordered to attend in person or is unable to attend on account of sickness or infirmity.</p>
Conferment of status of courts on Revenue Officer.	<p>19. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons has been issued under section 19, may—</p>
Inherent powers of revenue courts.	<p>(a) issue a bailable warrant of arrest;</p>
Power or Revenue Officers to require attendance of persons and production of documents and to receive evidence.	<p>(b) order him to furnish security for appearance; or</p>
Compelling attendance of witness.	<p>(c) impose upon him a fine not exceeding one thousand rupees.</p>

Dismissal of case or proceeding and hearing in absence of party.	<p>20. (1) If, on the date fixed for hearing a case or proceeding, a Revenue Officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed in default of payment of such process fees.</p> <p>(2) If any party to a case or proceeding before a Revenue Officer does not appear on the date fixed for hearing after due service of a summons or notice on him, the case or proceeding may be heard and determined in his absence or may be dismissed for default.</p> <p>(3) The party against whom any order is passed under sub-section (1) or sub-section (2) may apply within thirty days from the date of such order, to have it set aside on the ground that he was prevented by any sufficient cause from paying the requisite process fees for service of a summons or notice on the opposite party or, as the case may be, from appearing at the hearing and the Revenue Officer may, after notice to the opposite party who was present on the date on which such order was passed and after making such inquiry as he considers necessary set aside the order passed.</p> <p>(4) Where an application filed under sub-section (3) is rejected, the party aggrieved may file an appeal to the authority to whom an appeal lies from an original order passed by such officer.</p> <p>(5) Except as provided in sub-section (4) no appeal shall lie from an order passed under this section.</p> <p>21. (1) A Revenue Officer may, from time to time, for reasons to be recorded by him in writing and on such terms as to costs as he thinks fit, adjourn the hearing of a case or proceeding before him.</p> <p>(2) The date and place of an adjourned hearing of a case or proceeding shall be intimated at the time of the adjournment to such of the parties and witness as are present.</p> <p>22. A Revenue Officer may award costs incurred in any case or proceeding arising under this Regulation in such manner and to such extent, as he thinks fit:</p> <p>Provided that the fees of the legal practitioner shall not be allowed as costs in any such case or proceeding, unless such officer considers otherwise for reasons to be recorded by him in writing.</p> <p>23. Where an order to deliver possession of any land has been passed under this Regulation against any person such order shall be executed in the following manner, namely :-</p> <p>(a) by serving a notice on the person or persons in possession of the land requiring such person or persons within such time as may appear reasonable after receipt of the said notice to vacate the land; and</p> <p>(b) if such notice is not obeyed, by removing or deputing an officer to remove any person who may refuse to vacate the same; and</p> <p>(c) if the officer removing any such person is resisted or obstructed by any person the Revenue Officer shall hold a summary inquiry in to the facts of the case, and if satisfied that the such resistance or obstruction was without any just cause , and that resistance or obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order.</p> <p>24. Save as otherwise provided in any other law for the time being in force, all appearances before, applications to and acts to be done before, any Revenue Officer under this Regulation shall be made or done by the parties themselves or by their recognized agents or by any legal practitioner :</p> <p>Provided that subject to the provisions of sections 132 and 133 of the Code of Civil Procedure, 1908, any such appearance shall, if the Revenue Officer so directs, be made by the party in person :</p>
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<p>5 of 1908</p> <p>Order or Revenue Officer when reversible by reason of error or irregularity.</p> <p>Code of Civil Procedure to apply when no express provision made in the Regulation.</p> <p>Appeal and appellate authorities.</p>	<p>Provided further that appearance alone may be made by a recognized agent referred to in sub-clause (ii) of clause (23) of section 2.</p> <p>25. (1) No order passed by a Revenue Officer shall be reversed or altered in appeal or revision on account of any error, omission or irregularity in the summons, notice, proclamation, warrant or order or other proceedings before during any enquiry or other proceedings under this Regulation, unless such error, omission, or irregularity has in fact occasioned a failure of justice.</p> <p>(2) In determining whether any error, omission or irregularity in any proceedings under this Regulation has occasioned a failure of justice, regard shall be had to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.</p> <p>26. Unless otherwise expressly provided by or under this Regulation the procedure laid down in the Code of Civil Procedure, 1908, shall , so far as may be, be followed in all proceedings under this Regulation.</p> <p style="text-align: center;">CHAPTER IV APPEAL, REVISION AND REVIEW</p> <p>27. (1) Save as otherwise provided in this Regulation, an appeal shall lie from every original order passed under this Regulation or the rules made thereunder—</p> <p>(a) if such order is passed by any Revenue Officer subordinate to the Sub-Divisional Officer, whether or not the officer passing the order is invested with the powers of the Deputy Commissioner, to the Sub-Divisional Officer;</p> <p>(b) if such order is passed by the Sub-Divisional Officer or Survey Officer, whether or not invested with the powers of the Deputy Commissioner, to the Deputy Commissioner;</p> <p>(c) if such order is passed by any Revenue Officer subordinate to the Survey Officer, to the Survey Officer;</p> <p>(d) if such order is passed by a Deputy Commissioner, to the Andaman and Nicobar Islands Land Tribunal constituted as per the Rules framed in this regard under this Regulation.</p> <p>(2) Any appeal against any order passed by Andaman and Nicobar Islands Land Tribunal shall lie to the High Court.</p> <p>(3) An order passed in review varying or reversing any order shall be appealable in like manner as the original order.</p> <p>28. No appeal shall lie from an order—</p> <p>(a) admitting an appeal or application for review on the grounds specified in section 5 of the Limitation Act, 1963;</p> <p>(b) rejecting an application for review;</p> <p>(c) granting or rejecting an application for stay; or</p> <p>(d) of an interim nature.</p> <p>29. No appeal shall lie—</p> <p>(a) to the Sub-Divisional Officer or Deputy Commissioner, after the expiration of forty-five days from the date of the order appealed against; or</p> <p>(b) to the Andaman and Nicobar Islands Land Tribunal after the expiration of sixty days from such date :</p> <p>Provided that where a party, other than a party against whom the order has been passed <i>ex-parte</i> , had no previous notice of the date on which the order is passed, limitation under this section shall be computed from the date of the communication of such order.</p> <p>30. Every petition for appeal, review or revision shall be accompanied by a certified copy of the order to which objection is made.</p>
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No appeal against certain orders.	<p>31. (1) The appellate authority may either admit the appeal or after calling for the records and giving the appellant an opportunity to be heard, summarily reject it:</p> <p>Provided that the appellate authority shall not be bound to call for the records where the appeal is time-barred or does not lie.</p>
Limitations of appeals.	<p>(2) If the appeal is admitted, a date shall be fixed for hearing and notice shall be served on the respondent.</p> <p>(3) After hearing the parties, if they appear, the appellate authority may confirm, vary or reverse the order appealed against; or may direct such further investigation to be made, or such additional evidence to be taken, as it may think necessary; or may itself take such additional evidence or may remand the case for disposal with such direction as it thinks fit.</p>
5 of 1908.	<p>32. The Deputy Commissioner may, either of his own motion or on the application of any party, call for the records of any proceedings before any Revenue Officer subordinate to him for the purpose of satisfying himself as to the legality or propriety of any order passed by such Revenue Officer, and may pass such order in reference thereto as he thinks fit :</p>
Stay of execution of orders.	<p>Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested notice to appear and be heard:</p> <p>Provided further that no application for revision shall be entertained against an order appealable under this Regulation:</p> <p>Provided also that such application is presented within sixty days to the Deputy Commissioner, as the case may be, from the date of the order.</p>
Application of Limitation Act.	<p>33. (1) Every Revenue Officer may, either of his own motion or on the application of any party interested, review any order passed by himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit:</p> <p>Provided that -</p> <ul style="list-style-type: none"> (i) no order shall be varied or reversed unless notice has been served on the parties interested to appear and opportunity has been given to them for being heard; (ii) no order from which an appeal has been made, or which is the subject of any revision proceedings shall be reviewed; (iii) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.
Definition of "order".	<p>(2) No order shall be reviewed except on the grounds provided for in the Code of Civil Procedure, 1908.</p> <p>(3) For the purposes of this section, the Deputy Commissioner shall be deemed to be the successor in office of any Revenue Officer who has left the district or who has ceased to exercise powers as a Revenue Officer and to whom there is no successor in the district.</p> <p>34. (1) A Revenue Officer who has passed any order or his successor-in-office may, at any time before the expiry of the period prescribed for appeal or revision, direct the execution of such order to be stayed for such time as may be requisite for filing an appeal or revision and obtaining a stay order from the appellate or revisional authority.</p> <p>(2) The appellate or revisional authority may, at any time direct the execution of the order appealed from or against which a revision is made to be stayed for such time as it may think fit.</p> <p>(3) The authority exercising the powers conferred by section 33 or section 34 may direct the execution of the order under revision or review to be stayed for such time as it may think fit.</p>

Ownership of land.	<p>(4) The Revenue Officer or other authority directing the execution of an order to be stayed may impose such condition, or order such security to be furnished, as he or it thinks fit.</p> <p>(5) No order directing the stay of execution of any order shall be passed except in accordance with the provisions of this section.</p> <p>35. Subject to the provisions of this Regulation, the provisions of the Limitation Act, 1963, shall apply to all appeals and applications for revision or review under this Regulation.</p> <p>36. In this Chapter the expression "order" means the formal expression of the decision given by a Revenue Officer in respect of any matter in the exercise of his powers under this Regulation.</p> <p style="text-align: center;">CHAPTER V</p> <p style="text-align: center;">LAND AND LAND USE</p>
Liability to pay land revenue.	<p>37. (1) All land in the Union Territory of the Andaman and Nicobar Islands is vested absolutely in the Government, and, save as provided by or under this Regulation, no person shall be deemed to have acquired any property therein or any right to or over the same by occupation, prescription or conveyance or in any other manner what so ever except by a conveyance executed by, or under the authority of the Government.</p> <p>(2) The right to all trees, brush wood, jungles or other natural product wherever growing, except in so far as the same may be the property of any person, vests in the Government and such trees, brushwood, jungles or other natural product shall be preserved or disposed of in such manner as may be prescribed keeping in view the interests of the people the area with regard to the user of the natural products.</p> <p>(3) All such trees which have been planted and reared by, or under the orders, or at the expense, of the Government and all trees which have been planted and reared at the expense of any local authority by the side of any road belonging to the Government, shall vest in the Government.</p> <p>(4) Where a dispute arises in respect of any right under sub-section (1) or sub-section (2) or sub-section (3) such dispute shall be decided by the Deputy Commissioner.</p> <p>(5) Any person aggrieved by any order passed under sub-section (4) may file appropriate application before the Andaman and Nicobar Islands Land Tribunal to contest the validity of the order within a period of one year from the date of such order.</p> <p>38. (1) No land recorded for any one use shall be diverted to any other use except in the manner referred hereinafter.</p> <p>(2) All land recorded for particular use before the commencement of this regulation shall continue to be recorded for same use.</p> <p>(3) The Administrator may, from time to time, notify part or whole of a village or group of villages, fit for any one or more uses defined below:-</p> <ul style="list-style-type: none"> (a) Agriculture (b) House Site (c) Commercial (d) Any other prescribed use such as Tourism Industry. <p>(4) The Administrator may, from time to time, notify the power of different Revenue Officer to the extent they may allow diversion or condone unauthorized diversion of land from one use to another in a holding in a village in areas outside the areas notified under 40(3).</p> <p>(5) In cases as provided under section 40(3), the tenant shall be liable to pay a premium or fine as may be prescribed in the manner provided in the rules framed under this regulation.</p>

<p>Settlement Commissioner, Settlement Officer and Assistant Settlement Officers.</p>	<p style="text-align: center;">CHAPTER VI SURVEY OF LAND</p> <p>39. The existing boundaries of villages and survey numbers/plot numbers, prior to commencement of this Regulation, shall be recognized under this Regulation until and unless modified or replaced in terms of the provisions contained under this Regulation :</p> <p>Provided that all the plot numbers recorded prior to commencement of this Regulation shall be given a unique survey number, if not having already.</p> <p>40. The operation carried out in accordance with the provisions of this Chapter in order to determine, create, or revise the boundaries of the existing or new villages and survey numbers in a village in any local area shall be called a "Survey".</p> <p>41. (1) Wherever the Administrator decides that a survey of any local area should be made, he shall publish a notification to that effect, and such local area shall be held to be under such survey from the date of such notification until the issue of a notification declaring the operations to be closed.</p> <p>(2) Such notification may extend to all lands generally in the local area or to such lands only as the Administrator may direct.</p> <p>42. The Administrator may appoint an officer, hereinafter referred to as the 'Survey Officer' to be in-charge of the local record or survey operations, or both, as the case may be, in any local area and officers shall exercise all the powers conferred on them by or under this Regulation so long as such local area is under record or survey operation or both.</p> <p>43. Subject to the rules made under this Regulation, the Survey Officer or any other officer as may be authorized by the Administrator, may—</p> <ol style="list-style-type: none"> 1. take measurements of the land to which the survey extends and construct such number of survey marks thereon as may be necessary; 2. divide such lands into survey number and group the survey numbers into villages; and 3. recognize existing survey numbers, the constitute survey numbers, resettle the boundary of existing survey number or form new survey numbers. 4. either re-number survey numbers or sub-divide survey numbers into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason. 5. alter the boundaries or any village, or divide a village into two or more villages or unite two or more villages into one in accordance with the rules made under this Regulation. 6. Assign a separate survey number or sub-division of a survey number, when any portion of agriculture land is diverted to any non-agriculture purpose, or when any portion of land is set apart for any of the purpose specified in section 198. <p>44. When any local area is under survey operations the Survey Officer may issue a proclamation directing all the tenants and occupiers of land thereon to erect, within fifteen days of such proclamation, such boundary marks as he may think necessary to define the limits of their fields; and in default of their complying within the said period, he may cause such boundary marks to be erected, and this Deputy Commissioner shall recover the cost of their re-erection from such tenant and occupiers.</p> <p>45. In case of any dispute concerning any boundaries the Survey Officer shall decide such dispute in the prescribed manner.</p>
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Formation of survey numbers and villages.	<p>46. When any local area in under survey operations the Survey Officer shall prepare for each village therein a map and field book, which shall thereafter be maintained by the Deputy Commissioner as provided by or under this Regulation, instead of the map and field book previously maintained.</p> <p>47. When any local area is under record operations the Survey Officer shall frame, for each village therein, the records specified in Chapter VIII or such of them as the Administrator may direct, and the record or portion thereof so framed shall thereafter be maintained by the Deputy Commissioner, instead of the record previously maintained.</p> <p>48. All undisputed entries in the record-of-rights shall be attested by the parties interested, and all disputes regarding such entries, whether taken up by the Survey Officer on his own motion or upon application by any party interested, shall be disposed of by him after giving due opportunity to the party concerned.</p> <p>49. Once survey of the local area is completed, the Survey Officer shall publish the draft Land Register inviting claims and objections.</p> <p>50. Survey Officer shall settle the claims and objections after giving due opportunity of hearing to the party concerned and finalise the record accordingly.</p> <p>51. Following this, the Survey Officer shall submit report of Closure of Survey to the Administrator in the prescribed manner for issuance of notification.</p> <p>52. Survey Officer shall transmit the finalized Land Register alongwith the notification issued under sub-section 4 of Section 44 to the Tehsildar concerned.</p> <p>53. After notification of the records by Administration under sub-section 43(4), new entries shall override all the previous corresponding records.</p> <p>54. No suit or case shall lie before any Court during the pendency of the survey for the matters concerning the survey operation.</p> <p>55. Any person who is aggrieved by any entry in the finalized Land Register may file an appropriate application before the Andaman and Nicobar Islands Land Tribunal within a period of six months from the date of finalization.</p> <p>56. After finalization of Land Register, the Sub-Divisional Officer shall continue to perform the functions given under sections 43 c,d,f for the purpose of continuous updation of records.</p> <p>57. Notwithstanding anything contained in this chapter, all survey operations commenced under any law, for the time being in force and continuing at the commencement of this Regulation shall be deemed to have been commenced and to be containing under the provisions of this Chapter and all assessment rates in force at such introduced in accordance with the provisions of this Chapter and shall remain in force until the introduction of revised Land Revenue; and such revised assessment rated may be introduced on the day appointed by the Administration.</p> <p style="text-align: center;">CHAPTER VII LAND VALUATION</p> <p>58. (1) As soon as may be after the commencement of this Regulation, the Administrator may take steps to institute and may cause to be constantly maintained, in accordance with the rules made under this Regulation, an inquiry into the value of the land used for any prescribed purpose.</p> <p>(2) The land revenue shall be based on the value of land as determined under section 43 (1) in accordance with rules framed under this Regulation and shall be notified from time to time by the Administrator.</p> <p>(3) The value of land so calculated under sub-section 43(1) shall be used for the purposes as may be prescribed.</p>
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	<p style="text-align: center;">CHAPTER VIII</p> <p style="text-align: center;">LAND REGISTER</p> <p>59. (1) The Deputy Commissioner shall from time to time arrange the villages of the tehsil into patwari circles and may, at any time, alter the limits of any existing circle or create new circles or abolish existing ones.</p> <p>(2) The Deputy Commissioner shall appoint one or more patwaries to each patwari circle for the maintenance and correction of land records and for such other duties as may be prescribed.</p> <p>60. (1) The Deputy Commissioner shall from time to time arrange the patwari circles in the tehsil into revenue inspector's circles and may at any time, alter the limits of any existing circle or create new circles or abolish existing ones.</p> <p>(2) The Deputy Commissioner shall appoint one or more patwaries to each patwari circle for the maintenance and correction of land records and for such other duties as may be prescribed.</p> <p>61. There shall be prepared by the prescribe authority a map showing the boundaries of survey numbers or plot numbers and waste lands called the "field map" for every village, except when otherwise directed by the Administrator.</p> <p>62. Land Register prepared under section 44, shall contains record of rights of all tenants, in electronic form or otherwise.</p> <p>63. A record of rights shall, in accordance with the rules made under this Regulation, be prepared and maintained for every village and such record shall include the following particulars, namely :-</p> <ul style="list-style-type: none"> (a) Part-I:-General description, map and locational details of the land or immovable property; (b) Part-II:- the names of all tenants together with survey numbers or plot numbers held by each of them and their area; the nature and extent of the respective interests of such persons and the conditions or liabilities , if any. The land revenue, if any, payable by each persons; (c) Part-III:-, status of the mortgage, charges, lien, court orders and other rights and interests over the land or immovable property over land; (d) Part IV- Details of all transfer of interest over the land; and (e) such other particulars as may be prescribed. <p>64. (1) Any person acquiring by succession, survivorship, inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in land shall report himself or through recognized agent in writing his acquisition of such right to the Tehsildar or Deputy Tehsildar especially authorized in this behalf by Deputy Commissioners.</p> <p>(2) Administrator may direct Sub-Registrar, Registrar appointed under Indian Registration Act, 1908 or any other public authority to compulsorily report acquisition of rights through sale, gift, mortgage or otherwise.</p> <p>(3) Administration may from time to time prescribe fine for non or delayed reporting of any right under sub-section 56(1).</p> <p>65. (1) The Tehsildar or Deputy Tehsildar wherever applicable shall cause to enter in a register of mutations every acquisition of right reported to him under section 56.</p> <p>(2) He shall put a complete copy of the entry for public display in any place, website, news paper, or public place prescribed by the Deputy Commissioner.</p> <p>(3) If any objection to any entry made under sub-section (1) in the register of mutation is received, Tehsildar or Deputy Tehsildars shall cause to enter the particulars of the objections in a register of disputed cases and shall give a written acknowledgement in the prescribed form for the objection to the person making it.</p> <p>(4) Every objection entered in the register of disposed cases shall be disposed of, and every entry in the register of mutations shall be tested, and if found correct or after correction, as the case may be, shall be certified by such officers and in such manner as may be prescribed by the Deputy Commissioner:</p>

Acquisition
of rights to
be reported.

Register of mutation and register of disputed cases.	<p>Provided that the Deputy Commissioner may prescribe a maximum time limit beyond which penalty as may be prescribed may be levied on the Revenue Officer concerned.</p> <p>(5) Entries in the register of mutations, when duly certified, shall be transferred to the record-of-rights in the prescribed manner.</p> <p>66. The Andaman and Nicobar Islands Land Tribunal shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right which is recorded in the record-of-rights.</p> <p>67. The Deputy Commissioner may, any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record-of-rights.</p> <p>68. In addition to the map and the record-of-rights, Administrator may direct preparation of such other land record as may be prescribed.</p> <p>69. Every entry in the land records existing at the commencement of this Regulation and every entry made therein under this Chapter shall be presumed to be correct until the contrary is proved or a new entry is lawfully substituted therefor.</p> <p>70. (1) Every person, whose right, interest or liabilities are required to be or have been entered in any record or register under this Chapter, shall be bound on requisition in writing by any Revenue Officer, engaged in compiling or revising the record or register to furnish or produce for his inspection, within one month from the date of such requisition, all such informations or documents needed for the correct compilation or revision thereof as may be within his knowledge or possession or power.</p> <p>(2) The Revenue Officer, to whom any information is furnished, or before whom any document is produced under sub-section (1), shall give a written acknowledgement thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof.</p> <p>71. Any person failing to produce the documents required by section 62 within the specified period shall be liable, at the discretion of the Deputy Commissioner, to a penalty not exceeding five thousand rupees.</p> <p>72. Certified copies of entries in the record-of-rights may be granted by such officers and on payment of such fees as may be prescribed.</p> <p>73. Subject to such rules or payment of such fee, if any, as may be prescribed, all maps land records shall be opened to inspection by the public during office hours, and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same.</p> <p style="text-align: center;">CHAPTER IX BOUNDARIES, BOUNDARY MARKS AND SURVEY MARKS</p> <p>74. (1) The boundaries of all villages shall be fixed and demarcated by permanent boundary marks.</p> <p>(2) The Administrator may, in respect of any village, by notification, order that the boundaries of all survey numbers or plot numbers shall also be fixed and demarcated by boundary marks and where such boundaries have been fixed and demarcated by boundary marks it shall be lawful for the Administrator to assess all charges incurred thereby on the holders of the survey numbers or other having an interest therein.</p> <p>(3) Such boundary marks shall, subject to the provision hereinafter contained, be such specification and shall be constructed and maintained in such manner as may be prescribed.</p> <p>(4) Every holder of land shall be responsible for the maintenance and repair of the permanent boundary and survey marks erected thereon.</p>
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75. All disputes regarding boundaries of village, and boundaries of survey numbers and plot numbers where such boundaries have been fixed under the provisions of section 67, shall be decided by the Deputy Commissioner after local inquiry at which all persons interested shall have an opportunity of appearing and producing evidence.

76. (1) When a boundary has been fixed under the provisions of section 67 the Tehsildar may summarily eject any person who is wrongfully in possession of any land which has been found not to pertain to his holding or to the holding of any person through or under whom he claims.

(2) Where any person has been ejected from any land under the provisions of sub-section(1), he may, within a period of one year from the date of ejectment institute a civil suit to establish title thereto:

Provided that the Tehsildar or any other Revenue Officer shall not be made a party to such suit.

(3) The Tehsildar may at any time after the passing of decree in the civil suit, if any, make any order for redistribution of land revenue which, in his opinion should be made as a result of the decree and such redistribution shall take effect from the beginning of the revenue year following the date of the order.

77. (1) Every holder of land adjoining a village road, village waste or land reserved for community purposes, shall at his own cost and in the prescribed manner—

(a) demarcate the boundary between his land and the village road, village waste or land reserved for community purposes adjoining it by boundary marks, and

(b) repair and renew such boundary marks from time to time.

(2) If the holder fails to demarcate the boundary or to repair or renew the boundary marks as required by sub-section (1), the Tehsildar may, after such notice as he deems fit, cause the boundary to be demarcated, or the boundary marks to be repaired or renewed and may recover from the holder the cost incurred thereby.

(3) In the event of any dispute regarding the demarcation of the boundary or the maintenance of the boundary marks in proper state or repair, the matter shall be decided by the Deputy Commissioner whose decision thereon shall be final.

Explanation— For the purposes of this section “village road” means a road which bears an indicative survey number or plot number.

78. (1) After the end of November in each year, the Patwari of the village shall give written notice to every holder on whose land the boundary or survey marks are defective calling upon him to put them into proper repair before the first day of March next following.

(2) After the first day of March in any year, the Tehsildar or any other Revenue Officer specially empowered in this behalf by the Administrator may cause any defective boundary or survey marks with respect to which a notice has been given under sub-section (1) to be properly repaired and shall recover the cost of such repair from the holder or holders responsible for the maintenance of such boundary or survey marks, together with a penalty which may extend to one rupee for every boundary mark of survey mark so repaired.

79. Where no order has been made by the Administrator under sub-section (2) of section 67 the Tehsildar or any other Revenue Officer specially empowered in this behalf by the Administrator may, on the application of any party interested, demarcate boundaries of a survey number or of a sub division or of a plot number and construct boundary marks thereon and recover the cost of such demarcation and construction from the applicant.

80. (1) If any person willfully destroy or injures, or without lawful authority, removes boundary or survey mark lawfully constructed, he will be liable for

prosecution for the offense and can be sentenced upto six months RI until or unless offence is not compounded by the Deputy Commissioner with a fine not less than twenty five thousand. Notwithstanding anything written in IPC 1861— or any other law in time being, the offence under this section shall be cognizable, bailable and compoundable.

81. If the Tehsildar finds that any obstacle, erection or construction impedes the free use of a recognized road, path or common land of a village he may order the person responsible for such obstacle to remove it, and, if such person fails to comply with the order, may cause the obstacle to be removed.

82. Person failed to comply the order issued by the Tehsildar under section 81, shall be liable for the prosecution in similar manner as prescribed under section 80.

CHAPTER X REALISATION OF LAND REVENUE

83. The land revenue assessed on any land shall be first charge on that land and on the crops, rents and profits thereof.

84. (1) The land revenue payable on account of a revenue year shall fall due on the first day of that year.

(2) The payment of land revenue may be made in cash or may, at the cost of the remitter be remitted by money order on or before such date, in such installments (if any) and to such persons as may be prepared.

(3) Any period elapsing between the first day of the revenue year and any date prescribed for the payment of land revenue shall be deemed to be a period of grace, and shall not affect the provisions of sub section (1).

85. Any land revenue due and not paid on or before the prescribed date becomes therefrom an arrear, and the persons responsible for the payment thereof become defaulters.

86. (1) Where any person prescribed under sub-section (2) of section 115 receives payment from any other person on account of land revenue or an account of any sum of money recoverable as an arrear of land revenue shall grant a receipt to such other person for such sum in the prescribed form.

(2) If any person fails to give receipt as required by sub-section (1), such person shall, on application by the payer, be liable by an order of the Tehsildar to pay a penalty not exceeding double the amount received.

87. If any installments of land revenue or any part thereof is not paid within one month after the prescribed date, the Sub-Divisional Officer may, in the case of willful defaulter, impose a penalty not exceeding ten percent of the amount not so paid :

Provided that no such penalty shall be imposed for the non-payment of any installment, the payment of which has been suspended by an order of the Administrator, in respect of the period during which the payment remained suspended.

88. The Administrator may, in accordance with the rules made under this Regulation, grant a remission or suspension of land revenue in areas in which crops have failed in any year.

89. (1) A statement of account, certified by the Deputy Commissioner or the Tehsildar shall, for the purpose of this Chapter, be presumed to be correct statement of the arrears of land revenue payable to Government or its amount, and of the person who is the defaulter, until the contrary is proved.

(2) No notice to the defaulters shall be necessary before drawing up the statement referred to in sub-section (1).

90. The Tehsildar or Deputy-Tehsildar shall cause a notice of demand in the prescribed form and containing the prescribed particulars to be served on any defaulter before the issue of any process under section 91 for the recovery of an arrear of land revenue.

Survey
Officers.

Powers of Survey Officers as to erection of boundary marks.	91. An arrear of land revenue payable to Government may be recovered by the Tehsildar in the prescribed manner by any one or more of the following process, namely :-
Decision of disputes.	<p>(a) by attachment and sale of movable property belonging to the defaulter;</p> <p>(b) by attachment of the holding in respect of which the arrear is due and the sale of the interest of the defaulter therein and where such holding consists of more than one survey number or plot number by such sale in one or more of such survey numbers or plot numbers as may be considered necessary to recover the arrear;</p> <p>(c) by attachment and sale of the interest of the defaulter in any other immovable property :</p>
Record to be prepared in survey operation.	<p>Provided that the process specified in clauses (a) and (c) shall not permit the attachment and sale of the following, namely :-</p>
Preparation of new records-of-rights.	<p>(i) the necessary wearing-apparel, cooking, vessels, beds and bedding of the defaulter, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;</p> <p>(ii) tools of artisans and, if the defaulter is an agriculturist his implements of husbandry, except any implements driven by mechanical power and such cattle and seed as may, in the opinion of the Tehsildar, be necessary to enable him to earn his livelihood as such;</p> <p>(iii) article set aside exclusively for the use of religious endowments;</p> <p>(iv) houses and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him.</p>
Attestation of entries and decision of disputes.	92. The cost of serving a notice of demand under section 90 or of issuing and enforcing any process under section 91 shall be recoverable as part of the arrear in respect of which the notice was served or the process was issued.
Presumption as to entries.	93. The process specified in clauses (a) and (c) of section 91 may be enforced either in the district in which the default has been made or in any other district.
Land revenue first charge on land.	<p>94. (1) If proceedings are taken under this Chapter against any person for the recovery of an arrear of land revenue he may, at any time before his interest in the property is knocked down at a sale, pay the amount claimed and may, at the same time, deliver a protest signed by himself or his authorized agent to the Revenue Officer taking such proceedings, and thereupon such proceedings shall be stayed.</p> <p>(2) Any person complying with the provisions of sub-section (1) may, notwithstanding anything contained in section 89, object to the Sub-Divisional Officer that nothing was due or that the amount were taken and the Sub-Divisional Officer shall decide the objection so raised.</p>
Date on which land revenue falls due and is payable.	<p>(3) Where the Sub-Divisional Officer decides that the amount due was less than the amount for the recovery of which proceedings were taken he shall as early as practicable refund the excess amount to such person.</p> <p>(4) No appeal shall lie against the order of the Sub-Divisional Officer passed under sub-section (2), but the person aggrieved by such order may institute a civil suit for the recovery of the sum paid under protest.</p> <p>95. (1) The proceeds of every sale under this Chapter shall be applied firstly, in satisfaction of the arrears on account of which the sale was held and of the expenses of such sale, secondly, to the payment of any arrears of cesses due from the defaulter under any law for the time being in force, thirdly, to the payment of any other arrear payable to the Government by the defaulter, and fourthly, to the payment of any arrears due from the defaulter to a Co-operative Society and the surplus, if any, shall then be payable to him, or where there are more defaulters than one, to such defaulters according to their respective interests in the property sold:</p>

Provided that the surplus shall not be paid to the defaulter or defaulters, as the case may be, until after expiry of two months from the date of the sale in the case of movable property or from such date as may be prescribed in the case of immovable property.

(2) Notwithstanding anything contained in sub-section (1), the proceeds of sale under clause © of section 91 shall be applied first to the payment of arrears of land revenue payable by the defaulter for the immovable property sold upto the date of the sale, and the surplus, if any, shall be applied in accordance with sub-section (1).

96. Unless the Sub-Divisional Officer otherwise directs, the purchaser of the interest of the defaulter in the immovable property sold for arrears of land revenue, shall acquire such interest free of all encumbrances imposed on it and all grants and contracts made in respect of it, by any person than the purchaser.

97. (1) Where the interest of the defaulter in any immovable property is sold under the provisions of this Chapter and such sale has been confirmed by the prescribed authority in the prescribed manner such interest shall be deemed to have vested in the purchaser from the time when such interest is sold and not from the date on which the sale has been confirmed.

(2) When a sale is confirmed under sub-section (1), the Sub-Divisional Officer shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the interest of the defaulter in the property specified therein and such certificate shall be deemed to be a valid transfer of such interest.

98. The purchaser shall not be liable for land revenue payable in respect of the property for any period previous to the date of the sale.

99. The following moneys may be recovered, under this Regulation in the same manner as an arrear of land revenue, namely :-

- (a) all rents, cases, royalties, water rates, fees, charges, premia, penalties, fines and costs due to the Government under this Regulation;
- (b) all moneys falling due to the Government under any grant, licence, lease or contract which provide that they shall be recoverable in the same manner as an arrear of land revenue;
- (c) all sums declared by this Regulation, or any other law for the time being in force, to be recoverable in the same manner as an arrear of land revenue; and
- (d) any sum ordered by a liquidator appointed under the Co-operative Societies Act, 1912, to be recovered as a contribution to the assets of a Society or as the cost of liquidation :

Provided that no action shall be taken on application for recovery of a sum specified in clause (d), unless such application is accompanied by a certificate signed by the Registrar appointed under that Act that the sum should be recovered as an arrear of land revenue.

100. Every person who may have become a surety under any grant or license made or granted under this Regulation whereunder the sum secured is recoverable from the principal as an arrear of land revenue shall, in failure to pay the amount or any portion thereof which he may have become liable to pay under the terms of his security bond, be liable to be proceeded against under the provisions of this Regulation in the same manner as for the recovery of arrears of land revenue

	<p style="text-align: center;">CHAPTER XI TENURE HOLDERS</p> <p>101. There shall be the following classes of tenants, namely :-</p> <ul style="list-style-type: none"> (i) Occupancy tenants; (ii) Grantees and; and (iii) Licensees. <p>102. Every person who, immediately before the commencement of this Regulation, had Occupancy Right or Non-Occupancy Rights under the provisions of the Andaman & Nicobar Land Reform and Land Regulation, 1966, shall be called an occupancy tenant and shall have all the rights and be subject to all the liabilities conferred or imposed upon an occupancy tenant by or under this Regulation.</p> <p>103. (1) Every person belonging to any of the following classes shall be called a grantee and shall have all the rights and be subject to all the liabilities conferred or imposed upon a grantee by or under this Regulation, namely :-</p> <ul style="list-style-type: none"> (a) every person who, immediately, before the commencement of this Regulation, was in occupation , of any land in pursuance of a grant made or held validly under the Andaman and Nicobar LR & LRR, 1966; (b) every person to whom a grant is made under clause (i) of section 105. <p>(2) Notwithstanding anything contained in sub-section (1), every person who, not being an occupancy or non-occupancy tenant, is in possession of any coconut or arecanut plantation in the Nicobars immediately before the commencement of the Regulation otherwise than in pursuance of a grant of licence made or granted under the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926, shall be deemed to be grantee thereof for the purpose of this Regulation for such period as the Administrator may by Notification specify from time to time.</p> <p>Explanation – In this sub-section “Nicobars” means all the Islands comprised in the Union Territory of the Andaman and Nicobar Islands lying south of 10 Degree Channel.</p> <p>104. Every person belonging to any of the following classes shall be called licensee and shall have all the rights and be subject to all the liabilities conferred or imposed upon licensee by or under this Regulation, namely :-</p> <ul style="list-style-type: none"> (a) every person who, immediately before the commencement of this Regulation, was in occupation of any land in pursuance of a licence granted or validly held under LR & LRR, 1966; (b) every person who is granted a licence in respect of any non-agricultural land under Clause (ii) of section 105. <p>105. The Administrator may, on such terms and subject to such conditions as he thinks fit,—</p> <ul style="list-style-type: none"> (i) make to any person, for the cultivation of coconuts, coffee, rubber and other long-lived crops and for the construction of buildings and works to be used for the purpose of, or in connection with, such cultivation, a grant of land for any period not exceeding thirty years with an option for renewal for a like period: <p style="padding-left: 40px;">Period that for the cultivation of rubber crop a longer period may be specified by the Administrator with the approval of the Government;</p> <ul style="list-style-type: none"> (ii) grant a licence in writing to any person to occupy any land to such extend and for such purposes as may be prescribed. The right of licensee to transfer the granted land can be restricted by the Administrator. <p>106. A license whether granted either before or after the commencement of this Regulation to occupy land and construct a building thereon may be liable to be cancelled, if the licensee fails to construct the building on the site within a period of two years from the date of grant of the license or such further time as the Deputy Commissioner may allow.</p>
Classes of tenants.	
Occupancy tenants.	

107. Subject to his personal law, the interest of a tenant in his holding shall, on his death, pass by inheritance, survivorship or request as the case may be.

108. (1) A tenant shall be liable to be ejected or from his holding by an order of the Sub-Divisional Officer, made on any of the following grounds, namely :-

- (a) he has done any Act which is destructive or permanently injurious to the land comprising the holding; or
- (b) he had used such land for any purpose other than that for which it was given; or
- (c) he has transferred his interest in such land in contravention of the provisions of this Regulation of any rule made thereunder.
- (d) he has not cultivated his holding for two agriculture years.
- (e) He has planted the trees in a manner to diminish the value of any land not included in his holding and refused to follow the order for removal of such trees, issued by Tehsildar on the complaint of the affected person.

(2) No order under sub-section (1) shall be passed unless the Sub-Divisional Officer has, by notice, called upon the tenant to show cause against his ejection.

109. (1) Subject to the provisions of this Regulation, a tenant may surrender his holding or any part thereof by making an application in writing to the Tehsildar intimating his intention to do so and by giving possession thereof whether such holding is or is not let.

(2) Notwithstanding the surrender, unless the tenant applies before the first day of February in any year he shall be liable to pay the land revenue for the holding for the agricultural year next following the date of surrender.

(3) Where only a part of the holding has been surrendered the Tehsildar shall apportion the assessment the holding, in accordance with the rules made under this Regulation.

110. (1) A tenant may sue in the Court of the Sub-Divisional Officer for partition of his share in a holding.

(2) The Sub-Divisional Officer may, after hearing the co-tenure holders, divide the holding and apportion the assessment of the holding in accordance with the rules made under this Regulation :

Provided that where any question of title or dispute is raised no such partition shall be made, until such question has been decided by Andaman and Nicobar Islands Land Tribunal.

111. All commercial trees standing in the holding of an occupancy tenant shall belongs to the Government. Trees so standing can only be removed on the request of the tenant for better utilization of the land as per the rules to be framed under this Regulation.

112. (1) Subject to the provisions of this section a tenant may transfer interest in his land :

Provided that tenant has to obtain a non-encumbrance certificate from Tehsildar,

(2) Administration may prescribe from time to time what amounts to encumbrance over land in addition to mortgages, court decrees, lein etc.

(3) Notwithstanding anything contained in the India Registration Act, 1908 no officer is empowered to register any document which purports to contravene the provisions of this section.

113. (1) If after the commencement of this Regulation any tenant is disposed of any lands held by him otherwise than by process of law, he may within two years from the date of such dispossession apply to the Tehsildar for his reinstatement in such land.

(2) On receipt of an application under sub-section (1). The Tehsildar shall, after making an enquiry into the respective claims of the parties, pass order on the application and when he orders the restoration of possession to the tenant, put him in possession of the land.

Rights of trees in holding.	<p>(3) The Tehsildar may, at any stage of the enquiry under sub-section 2, pass an interim order for delivery of possession of the land to the applicant, if he finds that the applicant was dispossessed by the opposite party within six months prior to the date of submission of the application under sub-section (1) and if possession is not delivered to the applicant, the Tehsildar shall cause the opposite party to be ejected.</p> <p>(4) When an interim order has been passed under sub-section (3), the opposite party may be required by the Tehsildar, to execute a bond for such sum as he may deem fit for abstaining from taking possession of the land until the final order is passed by him.</p> <p>(5) If the person executing the bond under sub-section (4), is found to have entered into, or taken possession of the land in contravention of the bond, the Tehsildar may forfeit the bond in whole or in part and may recover such amount from such person as an arrear of land revenue.</p> <p>(6) If the order passed under sub-section 2 is in favour of the applicant, the Tehsildar shall also award a reasonable compensation to be paid to the application by the opposite party :</p> <p>Provided that the amount of compensation shall not exceed ten times the land revenue payable in respect of the land for each year's occupation.</p> <p>(7) Any compensation awarded under this section shall be recoverable as an arrear of land revenue.</p> <p>114. The interest of tenant in his holding or any part thereof shall be extinguished, -</p> <ol style="list-style-type: none"> when he dies leaving no heir entitled to his interest under this Regulation; or when he surrenders his holding or such part; or when the holding or such part has been transferred, letout or used in contravention of the provisions of this Regulation; or when the land comprised in the holding has been acquired under any law for the time being in force, relating to acquisition of land; or- When he has been ejected under this Regulation; or when he has been deprived of possession and his right to recover possession is barred by limitation ; or when his holding is declared as abandoned. <p style="text-align: center;">CHAPTER XII Rights In Abadi And Unoccupied Land And Its Produce</p> <p>115. (1) A record of all unoccupied land shall be prepared and maintained for every village in such manner as may be prescribed.</p> <p>(2) All unoccupied lands are public property and Revenue Officers mentioned in section 3 are custodian of unoccupied land and shall take all steps to safeguard it from any unauthorized occupation.</p> <p>116. (1) The Deputy Commissioner shall, consistent with the provisions of this Regulation and the rules made thereunder, prepare a Nistar Patrak (Village Administration Paper) embodying a scheme of management of all unoccupied land in a village and all matters incidental thereto and including in particular matters specified in section 121.</p> <p>(2) A draft of the Nistar Patrak shall be published in the village and after ascertaining in wishes of the residents of the village in the prescribed manner, the Deputy Commissioner may finalise the draft with or without modifications.</p> <p>(3) On a request being made by the Gram Sabha, or where there is no Gram Sabha, on the application of not less than one-fourth of the adult residents of a village, or of his own motion the Deputy Commissioner may, at any time, modify any provision in the Nistar Patrak after such enquiry as he deems fit.</p>
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117. The following matters shall be provided in the Nistar Patrak referred to in section 116, namely :-

- (a) the terms and conditions on which grazing of cattle in the village may be permitted;
- (b) the terms and conditions on which and the extend to which any resident of the village may obtain—
 - (i) wood, timber, fuel or any other, forest produce,
 - (ii) mooram, kankar, earth, or any minor minerals;
- (c) the instructions regulating generally the grazing of cattle and the removal of the articles mentioned in clause (b);
- (d) any other matter required to be recorded in the Nistar Patrak by or under this Regulation.

Explanation— In this section and in section 118 the expression “minor minerals” shall have the meaning assigned to it in clause (e) of section 2 of the Mines and Minerals (Regulation and Development) Act, 1957.

118. In preparing the Nistar Patrak as provided in section 117 the Deputy Commissioner shall, as far as possible, make provision for—

- (a) free grazing of the cattle used for agriculture;
- (b) removal, free of charge, by residents of the village for their *bonafide* domestic consumption of –
 - (i) forest produce;
 - (ii) minor minerals;
- (c) © concessions to be granted to the village craftsmen for the removal of forest produce or minor minerals for the purpose of their craft.;

119. (1) Subject to such rules as may be made under this Regulation, the Deputy Commissioner may set apart unoccupied land for the following purposes, namely :-

- (a) for timber or fuel reserve;
- (b) for paster or fodder reserve;
- (c) for burial ground and cremation ground;
- (d) for keeping cattle;
- (e) for encamping ground;
- (f) for threshing floor;
- (g) for bazaar;
- (h) for skinning ground;
- (i) for manure pits;
- (j) for any public purpose such as schools, playgrounds, parks, roads lanes and drainies;
- (k) for any other purposes which may be prescribed.

(2) Lands set apart specially for any purpose mentioned in sub-section (1) shall not otherwise be diverted for any other purpose without the previous sanction of the Deputy Commissioner.

(3) Notwithstanding anything contained in this section, if the Deputy Commissioner is satisfied that any unoccupied land set apart for any of the suitable for such purposes mentioned in sub-section (1) is not immediately required or suitable for such purpose, he may allot such land to such person, for such periods and purposes and on such terms and conditions, as may be prescribed.

(4) Where any land is allotted under sub-section (3), nothing in Chapter XIII shall apply to the allottee of such land.

120. If the Administrator is of opinion that the cutting of any trees in any unoccupied land is detrimental to public interest or that it is necessary to prohibit or regulate the cutting of any trees in such land for preventing soil erosion he may, by general or special order, prohibit or regulate the cutting of such trees.

<p>Right to transfer.</p>	<p>121. Where the area reserved for abadi is, in the opinion of the Deputy Commissioner, insufficient, he may reserve such further area for abadi from the unoccupied land in the village as he may think fit.</p> <p>122. (1) The Government reserves the right, in respect of every land to and over the foreshore, quarries, mines, stone, slate, chalk clay, precious stones, gold washing, coal and other minerals and mineral oils and also to all stream water courses and public thoroughfares within or traversing the said lands or any part thereof, unless any or all of them are expressly specified for alienation in any instrument made by the Government.</p> <p>(2) If any, person who without lawful authority extracts or removes minerals from any mine or quarry, the right to which vests in the Government and has not been assigned to him by, the Government or the Administrator, such person shall, without prejudice to any other action that may be taken against him, be liable on the Exceeding a sum calculated at double the market value of the minerals so extracted or removed.</p> <p>(3) Without prejudice to the provisions of sub-section (6) the Deputy Commissioner may seize and confiscate any mineral extracted or removed from any mine or quarry the right to which vests in, the Government and has not been assigned by, the Government or the Administrator.</p> <p>123. Any person who unauthorisedly takes or remains in possession of any unoccupied land or abadi may be summarily ejected by order of the Tehsildar and any crop which may be standing on the land and any building or other work which he may have constructed thereon, if not removed by him within such times as the Tehsildar may fix, shall be liable to forfeiture.</p> <p>(2) Any property forfeited under sub-section (1) shall be disposed of in such manner as the Tehsildar may direct and the cost of removal of any crop, building or other work and of all works necessarily to restore the land to its original condition shall be recoverable from such person as an arrear of land revenue.</p> <p>(3) Such person shall, subject to the provisions of sub-section (5), also be liable to a fine which may extend to twenty five thousand in addition for the penal action for theft and trespass of public property.</p> <p>(4) The Tehsildar may apply the whole or any part of the fine imposed under sub section (3) to compensate persons who may, in his opinion, have suffered loss or injury from such unauthorized occupation.</p> <p>(5) If any, case, the Tehsildar considers that circumstances of the case warrant imposition of a fine exceeding twenty five thousand rupees he may refer the case to the Sub-Divisional Officer who shall then, after giving the party concerned an opportunity of being heard, pass such orders in respect of fine as he may deem fit.</p> <p>(6) If any person ordered to be ejected under sub-section (1) has constructed any work of a permanent nature under a <i>bonafied</i> mistake, he may apply to the Deputy Commissioner for condonation of the encroachment and the Deputy Commissioner may, if satisfied that the work was constructed in under a <i>bonafied</i> mistake and that the land can be allowed to remain in the possession of such person without any serious detriment to public purpose, condone the encroachment under such terms as he may deem fit.</p> <p>(7) No order made under sub-section (1) shall prevent any person from establishing his rights in a civil court.</p> <p>124. (1) Save as otherwise provided in this Chapter any person who acts in contravention of the provisions of this Chapter or of the provisions of the Nistar Patrak prepared under section 195 shall be liable to such penalty not exceeding twenty thousand rupees as the Sub-Divisional Officer may, after giving such person an opportunity to be heard, deem fit and the Sub-Divisional Officer may further order confiscation of any timber, forest produce, or any other produce which such person may have unlawfully appropriated or removed.</p>
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(2) Where the Sub-Divisional Officer passes an order imposing a penalty under this section, he may direct that the whole or any part of the penalty may be applied to meet the cost of such measures as may be necessary to prevent loss or injury to the public owing to such contravention.

CHAPTER XIII **Miscellaneous**

125. No suit or other proceeding shall, unless otherwise expressly provided in this Regulation, lie or be instituted in any civil court with respect to any matter arising under and provided for by this Regulation.

126. Notwithstanding anything contained in the Court-fees Act, 1870, every application, appeal or other proceeding under this Regulation shall not require any Court-fee Stamp.

127. No suit, prosecution or other proceeding shall lie—

- (a) against any officer of the Government for anything in good faith done or intended to be done under this Regulation ;
- (b) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Regulation.

128. With the previous approval of the Government, the Administrator may, by Notification exempt any class of land from all or any of the provisions of this Regulation.

129. The Administrator may, by Notification, delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by this Regulation, other than the power to make rules, to be exercised subject to such restrictions, and conditions as may be specified in the Notification.

130. If any difficulty, arises in giving effect to any provision of this Regulation, the Government may, as occasion required, take any action not inconsistent with the provisions of this Regulation which may appear to it necessary for this purpose or removing the difficulty.

131. (1) The Administrator may, after previous publication, make rules for the purpose of carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the foregoing power, such rules may provide for all or any of the following matters namely:-

- (i) the manner of preservation or disposal of trees, brushwood, jungles or other natural product under sub-section (2) of section 38;
- (ii) the manner of assessment of lands revenue under section 40;
- (iii) the manner of assessment of lands revenue on unassessed land under section 41;
- (iv) the manner of inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes under section 45;
- (v) the manner of measurement of lands to which revenue survey extends, construction of survey marks thereon, division of lands into survey numbers and grouping the survey numbers into villages, under section 49;
- (vi) the manner of carrying out division of survey numbers into sub-division and the apportionment of the assessment of the survey numbers amongst the sub-division and the limit of the area or land revenue for recognition of sub-division of a survey number, under section 51;
- (vii) the records in which the area and assessment of survey numbers and sub-divisions of survey numbers may be entered under section 52;
- (viii) the form and the manner in which and the period for which the table of assessment rates may be prepared and published section 55;
- (ix) the manner in which the estimated rental value of the land may be determined under sub-section (4) of section 58;
- (x) the manner in which notice of assessment may be given under section 59;

<p>Recovery of compensation.</p> <p>Suspension of partition proceedings during currency of consolidation proceedings.</p> <p>Transfer of property during proceedings.</p> <p>Rights of tenants after consolidate-on to be the same as before.</p> <p>Encumbrances of tenants.</p>	<p>(xi) the manner of altering the boundaries of a village, dividing a village into two or more villages or uniting two or more villages into one, under section 62;</p> <p>(xii) the member of dividing lands in urban areas into plot numbers, recognizing existing survey numbers as plot numbers, reconstituting plot numbers and forming new plot numbers, under section 68;</p> <p>(xiii) the manner of dividing plot numbers into sub-divisions and apportioning the assessment of plot numbers amongst the sub-divisions and the limits, either of area or of land revenue or both, in any local area for recognition of sub-divisions, under section 69;</p> <p>(xiv) the records in which the area and assessment of plot numbers and sub-divisional of plot numbers may be entered under section 70;</p> <p>(xv) the special purposes to which regard may be had in forming blocks under section 71;</p> <p>(xvi) the manner of publishing the standard rates under section 72;</p> <p>(xvii) the manner of determining the average annual letting value of land, and of fixing standard rates of assessment on land held for agricultural purposes under section 73;</p> <p>(xviii) the duties of Patwaris under section 79;</p> <p>(xix) the duties of Revenue Inspectors, Town Surveyors, assistant town surveyors and measurers under section 81;</p> <p>(xx) the authority by which the field map may be prepared under section 82;</p> <p>(xxi) the form and the manner in which the record-of-rights shall be prepared and maintained under section 83 and the particulars which may be included in the record-of-rights;</p> <p>(xxii) the form of acknowledgement to be given by the Patwari under section 84 and sub-section (4) of section 85;</p> <p>(xxiii) the officers by whom and the manner in which objection entered in the register of mutation may be certified under sub-section (5), and the manner in which entries in the register of mutation may be transferred to the record-of-rights under sub-section (6), of section 85;</p> <p>(xxiv) the preparation of land records under section 88;</p> <p>(xxv) the officers by whom and the fees on payment of which certified copies of entries in the record-of-rights may be granted under section 94;</p> <p>(xxvi) the restriction and condition subject to which and the fees on payment of which the public may be allowed to inspect maps and land records under section 95;</p> <p>(xxvii) the specification of, and the manner of construction and maintenance of, boundary marks of villages, survey numbers and plot numbers, under section 96;</p> <p>(xxviii) the manner in which disputes concerning any boundaries may be decided by Survey Officers under section 109;</p> <p>(xxix) the date on which, the installment in which and the persons to whom land revenue may be paid under section 115;</p> <p>(xxx) the circumstances in which remission or suspension of land revenue may be granted and the rate of such remission or suspension under section 119;</p> <p>(xxxi) the procedure to be observed in effecting attachment and sale of movable and immovable properties and the procedure of publishing, conducting, setting aside and confirming sales and all other ancillary matters connected with such proceedings, under section 122;</p>
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Formation of Co-operative farm.	(xxxii) the authority by whom and the manner in which the sale of the interest of the defaulter in the immovable property may be confirmed under section 128;
Application of registration.	<p>*(xxxii (a)) the inspection by officers of land in respect of which a grant has been made or licence has been granted under section 146 and the carrying out by grantees and licencees of such preventive or remedial measures as may be necessary for the protection of plants or crops in such land;</p> <p>(xxxiii) the manner in which reasonable rent payable by a sub-tenant may be determined under sub-section (6) of section 149;</p> <p>(xxxiv) the minimum area of land to be held by two or more tenants, together for making an application for consolidation of their holdings under section 164;</p> <p>(xxxv) the manner in which the scheme of consolidation of holding may be prepared and objections thereto may be invited, under section 167;</p>
Registration of Co-operative farm.	<p>(xxxvi) the manner of assessment of costs of carrying out the scheme of consolidation of holdings under section 173;</p> <p>(xxxvii) the particulars which an application for the registration of a Co-operative farm may contain under section 180; the concessions and facilities to which a Co-operative farm may be entitled under section 192;</p> <p>(xxxviii) the manner in which the record of unoccupied lands may be prepared and maintained under section 194;</p> <p>(xxxix) any other matter which is to be, or may be, prescribed.</p>
2 of 1912.	<p>132. (1) The Andaman and Nicobar Land Reform and Land Regulation, 1966, is hereby repealed.</p> <p>(2) The repeal of the said Regulation shall not effect,—</p> <p>(a) the previous operation of the said Regulation or anything duly done or suffered thereunder; or</p>
2 of 1912.	<p>(b) any right, privilege, obligation or liability acquired, accrued, or incurred under the said Regulation; or</p> <p>(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Regulation; or</p> <p>(d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said Regulation had not been repealed.</p> <p>(3) Subject to the provision contained in sub-section (2), anything done or any action taken under the said Regulation and the rules made thereunder shall in so far as it is not inconsistent with the provision of this Regulation, be deemed to have been done or taken under this Regulation and shall continue to be in force until done or taken under this Regulation and shall continue to be in force until suppressed by anything done any action taken under this Regulation.</p> <p>133. Notwithstanding anything contained in this Regulation—</p> <p>(a) all cases pending before the Administrator or any Revenue Officer at the commencement of this Regulation shall be disposed of according to the law which would have been applicable to such cases had his Regulation not been passed;</p> <p>(b) all cases pending before civil court at the commencement of this Regulation which would under this Regulation be triable by a Revenue Court, shall be disposed of by such civil court according to the law which would have been applicable to such cases had this Regulation not been passed; and</p> <p>(c) all further proceedings with respect to the cases referred to in clause (a) and (b) whether by way of appeal; revision, review or otherwise, shall be taken or instituted and disposed of according to the law which would have been applicable to such proceedings had this Regulation not been passed.</p>

THE SCHEDULE*[See Section 2(6)]*

List of Commercial Trees

1. White Dhup (*Canarium euphyllum*)
2. Bakota (*Endoperium malaccense*)
3. Kadam (*Anthocephalus cadamba*)
4. Didu or Demul (*Bombax insigne*)
5. Papita (*Sterculiacamponulata*)
6. Lambapathi (*Sideroxylon longepetiolatum*)
7. Evodia (*Evodiaglabra*)
8. Red Dhup (*Parishis insignis*)
9. Lethok (*Sterculia alata*)
10. Thitpok (*Tetrameles nudiflora*)
11. Gurjan (*Dipterocarpus* spp.)
12. White Chuglam (*Terminalia bialata*)
13. Badam (*Terminalia procera*)
14. Chaplash or Taungpeinne (*Artocarpus chaplasha*)
15. Lalchini (*Amorawallichia*)
16. Bomboza (*Albizia stipulata*)
17. Black Chuglam (*Terminalia amani*)
18. Pyinma (*Lagerstroemia hypoleuca*)
19. Lakuch (*Artocarpus gomeziana*)
20. Thingan (*Hopea odorata*)
21. Jhingan (*Pajanelia rheedii*)
22. Ywig (*Adenanthemum pavonina*)
23. Lal Bambwe (*Planchonia andamanica*)
24. Hil Mohwa (*Basia butyracea*)
25. Gangaw (*Mesua ferrea*)
26. Sea Mohwa (*Mimusops littoralis*)
27. Chooi (*Sageraea elliptica*)
28. Thikandu (*Pometia pinnata*)
29. Mangrove (*Bruguiera* sp.)
30. Nabe (*Lannea grandis*)
31. Koko (*Albizia lebbek*)
32. Paduak (*Pertocarpus dalbergioides*)
33. Marble Wood (*Diospyros marmorata*)
34. Satin Wood (*Murraya exotica*).

President
Secy. to the Govt. of India

Lt. General (Retd.) Ajay Kumar Singh
PVSM, AVSM, SVM, SM
Lt. Governor,
Andaman & Nicobar Islands.

By order and in the name of the Lt. Governor,

Sd./-
(Abdul Latif)
Deputy Secretary (Rev.)